IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

W.P(C).No. 31062 of 2007(W)

PETITIONER:

O.K.KHALID, S/O.UPPAKKI, ASWATHY, D-3,
TAGORE NAGAR, VAZHUTHACAUD,THIRUVANANTHAPURAM,
(PROPRIETOR, SINDOOR FAMILY RESTAURANT).

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:
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1. **THE KERALA WATER AUTHORITY,**
   REPRESENTED BY ITS MANAING DIRECTOR,
   THIRUVANANTHAPURAM-10.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   (CONNECTION SECTION), KERALA WATER AUTHORITY,
   THIRUVANANTHAPURAM-10.

3. **THE PROVINCIAL, MALABAR PROVINCE OF THE**
   DISCALCED CARMELITE FATHERS,
   CARMEL HILL MONASTERY COTTON HILL P.O.,
   THIRUVANANTHAPURAM, REPRESENTED
   BY ITS MANANGER, REV.FATHER MATHEW
   VADAKKEPARAKUNNIL, ST. JOSEPH PRESS
   BUILDING,VAZHUTHACAUD, THIRUVANANTHAPURAM-14.

4. **THE MANAGER ST. JOSEPH PRESS BUILDING,**
   VAZHUTHACAUD,THIRUVANANTHAPURAM-14.

BY ADV. SMT.AMBIKA DEVI, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC No.31062/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER IN I.A.No.28/07 IN O.S.NO.2/2007 OF THE 1ST ADDITIONAL MUNSIFF'S COURT, TRIVANDRUM DATED 27.01.2007.

EXT.P2: TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 31.08.2007.

EXT.P3: TRUE COPY OF THE RECEIPT NO.420634 DATED 31.08.2007 ISSUED FROM THE 1ST RESPONDENT'S OFFICE.

// T R U E C O P T //

Sd/- PA to Judge

ANTONY DOMINIC, J.

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W.P.(C) No. 31062 OF 2007 W
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Dated this the 29th October, 2007

J U D G M E N T

The petitioner who is running a restaurant in the premises belonging to respondents 3 and 4 has filed this writ petition praying for a direction to respondents 1 and 2 to process Ext.P2 application submitted by him for water connection without insisting the consent of the landlord. According to the learned counsel for the petitioner although there is no provision in its regulations, the Water Authority is insisting that the petitioner should produce a consent letter from the landlord. The learned counsel for the Water Authority on the other hand, would submit that it is in order to protect themselves that they are demanding such a requirement. According to them it is for the reason that in case the tenant vacates and if there is arrear of water charges the Water Authority will not be in a position to recoup the arrears and that the liability will necessarily fall on the landlord. It is to take care of such a contingency that a consent letter

is insisted from the landlord. It is also submitted that in the circumstances highlighted by the petitioner, the practical solution would be to provide a special casual connection to the petitioner, provided the petitioner complies with the condition that are prescribed for that purpose.

2. Though notice has been served through Special Messenger them is none representing respondents 3 and 4. Having regard to the facts, I am inclined to take the view that the petitioner is entitled to get a special casual connection as submitted by the counsel for the respondents 1 and 2. However, there is a dispute about the amount that is to be given to the Water Authority as deposit for giving such a connection. Though the petitioner submits that the maximum permissible amount is only Rs.20,000/-, that is disputed by the counsel for the Water Authority.

3. However, I do not propose to decide on that issue in as much as it is essentially for the Water Authority to fix the quantum and demand security deposit from the petitioner. Whatever security amount that is demanded by the Water Authority shall be remitted by the

petitioner and on such remittance the request of the petitioner for special casual connection to his premises will be considered by the Water Authority strictly in accordance with the priority of applications.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-